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The Right to Freedom

The Bulletin of the Human Rights Centre "Viasna-96"



IT IS HIGH TIME TO MAKE A CHOICE

A new 1999 year is expected to be a year of elections in Belarus. Under the Constitution adopted in 1994 the terms of office of the deputies of local soviets are expired this spring as well as those of the Supreme Soviet. And what is more, the term of presidential office is expired too. So the powers are being finished but it is not clear whether the elections will take place or not. Nobody can answer this question. The presidents' activities are unpredictable that's why everything is possible including the scenario staged in Kazakhstan by N.Nazarbayev, who declared early presidential elections.

At the end of last year there were at least certain clarity and confidence. Referring to the results of 1996 referendum, unacknowledged by the democratic world, president's crew announced this year to be the first in a «three year-term of elections» and to this end a new draft law on elections was adopted. It's planned to hold the elections to local soviets in the spring of this year, the elections to so-called National Assembly (illegitimate Parliament appointed by Lukashenka in 1996) and presidential elections to hold in 2000 and 2001 correspondingly. A.Lukashenka is fond of everything that used to take place in former Soviet Union that's why this «new three year creature» looks like «five-year plan» devised by Bolsheviks. Elections to local soviets are scheduled to be held on April 4. It's planned to run in «new law on elections» under which nobody can be elected a deputy even of the local soviet if he or

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CHRONICLE

On December 27 and 28, 1998, the Grodna City Executive Committee refused the Free trade union's appeal to conduct a mourning meeting aimed at showing the concern in connection with the assassination of the six inhabitants of Grodno in Russia, who were entrepreneurs. According to Valery Levanewsky, who is the chairman of the owners trade union, behind this refusal stands the wish of the city authorities not to deal with security matters called up to protect those at whose expense the city budget is filled up. To keep silent about the tragedy means leave without help the families of dead men.

On December 31,1998, the Smargon City Executive Committee, Grodna region, passed the decision under which the place of holding pickets and meetings was changed. The town park was offered for these measures instead of the place in the centre of the town. In his application private lawyer Alexander Dzergachow wrote: «On December 18, 1998, the first TV-channel of the ORT (public Russian television) broadcast the programme «Details» with participation of A.Lukashenka. Where the president spoke out that well-known politicians Zyanon Paznyak and Stanislaw Shushkevich promised to evict from Belarus Russian-speaking people. I have never heard anything of this kind to be said by Paznyak and Shushkevich. That's why I consider this president's pronouncement to be not corresponding to the facts and undermining the movement's and the BPF party's reputation the member of which I am. Basing on foregoing and in accordance with the law on «Assemblies, meetings, marches and pickets» I am going to hold picket aimed at showing the protest against the president's pronouncement with respect to Z.Paznyak and S. Shushkevich. The place of staging is the area in front of the provision shop «Yubilejny» in Smargon. Time of staging is from 10 a.m. till 13 p.m. on December 10, 1998.»

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Street reacts to integration differently

On December 25, after signing in Moscow papers about the intentions of integrating Belarus and Russia into one state, in Minsk there was a spontaneous meeting...

Having signed in Moscow the agreement on «further unification» with Russia, president Lukashenka categorically reported that these agreements don't need to be approved by the people of the two countries. But many Belarusans found this «Christmas gift» to be a personal disgrace. My acquaintances were shocked on December 25 and their shock is symbolic. They were at service in the Red Catholic Church when one of them got information on the pager about what was going on in Moscow...

The ink hasn't managed to dry on Lukashenka and Yeltsyn's signatures, when a spontaneous meeting of protest was staged on Skaryna Avenue. There were a lot of people who were dissatisfied and indignant at this «integration». But even they didn't expect that 20 people had blocked the traffic on the Avenue near Yakub Kolas Square. The reaction of the militia and the public to the spontaneous picket of 20 brave people is symbolic. The militia was at a loss at first, and the passers-by and the drivers of stopped cars were thanking the participants of the picket and were asking in wonder: «Who are these people?» Only one driver from BMW ran over with his car the participant of the action, a member of the BPF Lyawon Sakolchyk: having talked to the militia he simply went to the picket. 30 minutes after the beginning of the action, the militia detained 9 participants, were drawn up reports in the Soviet Department of Internal Affairs, then they were kept for 3 days off in the special department in Akrestsina Street. But early in the morning on December 26 three women: Lubow Luniova, Ludmila Graznova - a deputy of the 13th Supreme Soviet and a representative of the United Civic Party Galina Yuryna. Instead of prison Valery Shchukin (a deputy and an independent journalist) spent the Catholic Christmas at the surgery department of the hospital № 9 (he had a headache because of earlier beating by the police on December 7 and at hospital it became clear that he had injury in the head). The other spent 3 days together with the homeless.

Then the trials started. Explaining that the Soviet District Court is being repaired at the moment, the authorities held the trials against the oppositioners in the District Department of the Militia and at the strong point near the Kamarowsky market. (The market on that day was closed – it was a day off, Monday). The reporters and human rights defenders were not allowed to be present. The Kamarowsky market in front of the entrance to the militia station there was a cordon of militia, on walkie-talkies of the security it could heard: «Nobody is allowed to enter!» As one of the militiamen said that was ordered by deputy chairman of the Soviet Department of Internal Affairs. Judge Ina Sheiko warned the human rights defender Lubow Luniova. Activists of public initiative «Charter-97» Ludmila Graznova and Galina Yuryna were fined for 52.5 mln roubles. Judge Ludmila Savastyan fined one more of the participants of the action – a member of the BPF Victar Furman. According to the same decision, a 67-year old Ales Karyzna was sentenced to 5 days in administrative arrest, as well as a 50-year old Uladzimir Rusnak, a 48-year old Victar Marozaw (member of the BPF as well). Zmitser Bandarenka did his time for the same reason. He is a chairman of the Fund for Support of Independent Press. In general, it should be noticed that in the protest against treason of Belarusan interests, the elder generation proved to be the first: in the spontaneous action there wasn't youth practically. It's not common and we can only guess in what way the Belarusan students protest can be expressed...

During the action on December 25 there were attempts of detention journalists, Syargey Pulsha was captured and later released. He is a journalist of the newspaper «Belaruskaya Maladziozhnaya». The colleagues and

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It is high time to make a choice

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she was charged with «administrative infringement of the law». Since practically against the all opposition activists were instituted criminal proceedings for taking part in meetings, demonstrations, pickets (some were fined, some taken in administrative detention) they automatically become deprived of the right to be elected. Belarusan officials don't even keep secret the reason why this provision in the law on elections appeared. Mr. Lazovik - functioner of the National Assembly and one of those who worked out it - called this law «a measure of political struggle» aimed at cutting off the possibility for opposition to take part in the forming process of the governmental organs.

By the way, democratic opposition, which has not acknowledged the illegitimate National Assembly yet, and therefore does not accept the laws adopted by it, is not going to take part in this «three-year plan of elections» devised by president's crew. On January 10, in their next in turn sitting the delegates of the legitimate 13th Supreme Soviet referring to the Constitution adopted in 1994 pointed out that a five-year term of presidential office is finished and in conformity with the law they scheduled the presidential elections on May 16, 1999. The Central Election Commission has been created to deal with the registration of candidates nominated for presidential elections.

How will behave and how will respond Alexander Lukashenka to this situation, who realises that regardless of any «popular vote» for the whole world community the term of his office will have been finished this summer but not in two years? Does A.Lukashenka regret he followed his advisers and became a past master of «continuation of his office» by referendum? But these are his problems: to waive his «principles» or not.

There is, to tell the truth, another variant of events' development. Using force A.Lukashenka can successfully «solve» the problem of independent deputies. To make it possible the appropriate draft laws are prepared. The General office of public prosecutor of the Republic of Belarus stated that «the deputies' activities contradict the Constitution of the country» and «can be considered precisely as seizure of power by non-constitutional means, intention to destabilise the situation in the Republic and to provoke mass riots» (here The Constitution of 1996 is meant). The office of public prosecutor warned about criminal and administrative amenability for «such illegal activities». It's understood, that pro-presidential Prosecutor office (by the way, all its officials were appointed by Lukashenka himself) could not respond in another way. Not to pay attention to the deputies' decision means recognise the fact that Lukashenka seized power in Belarus in 1996. The 13th Supreme Soviet considers exactly so and its position is supported by the democratic world.

So, the Belarusan people now found itself before dilemma: what elections to take part in? In the elections staged by presidential crew or in those planned to hold by the legitimate Supreme Soviet? On the side of president are rather powerful «vertical» (executive officials from all the regions and districts of the country), all the organs

passers-by managed to win over the ORT operator Zmitser Zavadsky, they wanted to take by force the video tape with the action.

On the last day of the year Valery Shchukin, a deputy of the Supreme Soviet could hardly escaped from prison. In the morning he had been discharged from hospital. When he went out on the porch he had been waited for by the militia. The deputy was taken into the car and brought into the court, but the court-hearing were postponed because V.Shchukin demanded a barrister. Valery Alyaxeevich met New Year at home with relatives, put on the first working day of 1999 – on January 4 – there was a trial and arrest.

So the way of response showed that «integration with friendly Russia will be conducted not only by means of telling lies on TV behind our backs but also trivial blows. Those who don't want to live in a new Empire should be ready for beating, bars, lice, astronomic fines. The closer the integration the more severe repressions in Belarus are. The situation is worsened by the economic crisis, empty shelves at shops, not-paid wages and the near end of Lukashenka's legitimate presidency.

Tatsyana SNITKO

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of government, newspapers, radio, television,...and punitive organs. On the side of o-position are honour, dignity, truth,... and hope for better changes.

Forces and possibilities of withstanding sides are, of course, unequal. Official mass media completely placed under the command of A.Lukashenka, said nothing about the 13th Supreme Soviet decision to hold presidential elections on May 16, 1999, or mocked at commenting on it. That's why the decision to conduct presidential elections in Belarus today is at least the significant fact showing that in our country still there are people, who regardless of pressure and lawlessness firmly stand on democratic positions and go on fighting with dictatorial regime. As far as people's choice is concerned, it is permanent and repeating happening. And Belarusan citizens have a splendid chance to make it already this year.

Andrey NALIVA

As it was...

Eye-witness's notes

Mr. Alexander Karyzna is 67 years old. He is a pensioner and an adherent of the Belarusan Popular Front. On December 25, last year when they showed the presidents of Russia and Belarus on TV who had signed the documents on integration of their countries into one state he couldn't bear it and went outside. Let's listen to him speaking...

I felt very bad. I decided to go to Yakub Kolas square where the actions of opposition take place. I got out at metro at 18.50. In the square, near the cafe I see a group of people with placards and white-red-white flags. I join them. As I reckoned the people had gathered there to express their attitude to the documents, which were signed in Moscow. There are not many people so far, mainly they belong to the elder generation and all of them are decisive. At 18.55 we go to the main road of Skaryna Avenue in chain.

The militia is nowhere to be seen. We let two trolleybusses pass, then a taxi. People start gathering around us and the militiamen began running around. Nearby, on the pavement, I notice a big lieutenant-colonel, who behaves like an ordinary observer. To break through the chain a car with three antennas is coming towards me. I managed to step aside but my neighbour, a next person in the chain, Sakolchyk by name, failed and was run over by the car. I hear him crying and groaning, I rushed to the lieutenant-colonel and asked him to call the ambulance or detain the driver who was guilty of that car accident. In reply – no reaction. The car disappears and the people take the injured on the pavement. The next car stops and Mr. Sakolchyk is taken to hospital. Meanwhile unknown people seized me and took into a special car. Two more women (Yuryna and Luniova) found themselves there too. It's 19.15. At 19.19. we are at the Soviet Department of Internal Affairs. There are 9 detained people there. I recognise L.Graznova, a deputy of the 13th Supreme Soviet and V.Shchukin. I'm surprised that I hadn't noticed them in the chain earlier. I don't know the others still.

The militiamen start to make reports of detention at once. When it was my turn, it was far behind midnight. Shchukin and me were left. He was searched and everything which was in his pockets is thrown on the table. Suddenly Shchukin felt bad and he is taken to hospital. At last I found myself in front of the investigator. They identify me and charge me with participation in the picket, blocking up the traffic on the Avenue, and moreover with shouting the slogans «Long live Belarus!» I refused to sign the report because I have a bad eyesight and couldn't see clearly without glasses and couldn't understand the investigator's bad handwriting.

The women were given subpoenas (on December 28) and the others – 5 men – were taken to prison in Akrestina Street, where we will have to spent almost 3 days before the trial – from Friday till Monday. We were taken into one cell where there was a lousy drunkard and two Ethiopians I try to sleep, but I can't, my back and legs ache a lot.

The first day, Saturday, started acquaintances and it went by in talks. We wonder: if they feed us today we speak about human rights organisation «Charter-97» and «Vias-na-96» and hope that we won't be forgotten.

On Monday, somewhere around 10 o'clock in the morning, we were taken to the Soviet Court. Judge Ludmila Arkadziewna Savastyan reports that I'm charged with participation in the picket and names an Article from the Criminal Code. I ask to read out the report which I had refused to sign, I also demand to call the witnesses and to mention in the report about the accident when the car run over the participant of the picket. The Judge doesn't react.

The verdict, obviously, had been made earlier and was left to be announced. The judge reads out the verdict: five days in detention beginning from the day I was seized. Thank you for that, it could have been 10 days or even 15. I have to spent in the company of not the least people only 2 days (my hopes for a good company were in vain – we were distributed into different cells).

After the trial we are brought into the Soviet Department of Internal Affairs.

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A TEACHER, A FARMER, A CONVICT...

It's Pavel Shalesny's life

I

Pavel Shalesny graduated from the Minsk Pedagogical Institute. Then he started to work as a teacher, climbed the career ladder up to the headmaster. Later on they started talking about freedom in the USSR, and he was running a commercial company in Tsumen (Russia) for a while. Hardly had market economy enjoyed great popularity, his life changed completely. Being a son of his parents, common peasants from the western part of Belarus, he came back home. He wanted to become a civilised farmer.

First, Shalesny asked the Zelva District Executive Committee for 50 hectares of land. They offered only 3, and it was sand as you can guess. With the help of the court he could manage to get 3 and a half more. But even the grass didn't want to grow on the sand, that's why he gave up this idea.

Those 50 hectares, which he was looking for so badly, he eventually found at the neighbouring farm. But it should be mentioned that it was only in 1990 and the farmer wasn't given a state document for land property. They didn't help with getting a credit either.

At last, Pavel bought sheep and the necessary machinery on his own money. He went on quite well. His farm was developing and getting wealthy. But at the same time not the best part of the local population, which called by sociologists marginalia and the president calls them electorate was negatively disposed towards him, to make it shorter the people sized him up, recognised in a new man «a stranger» and started to make «beneficial conditions».

Once they tried to sell Pavel the stolen diesel fuel. He refused. They kept it in mind. Then the local drunkards and loafers started to bother him: no wonder, they couldn't bear seeing a working sober man nearby... In the autumn of 1998 eight local men called on him to «teach him a lesson». Shalesny managed to persuade them that they would pay dearly for that. Simultaneously he wrote an application to the militia. He received no reply.

It's logical that those eight men came again, beat him severely, tied him and left him lying in the yard for the whole night. The result is – one month at hospital, expenditures and a letter from the head of the local department of internal affairs – the muggers publicly reprimanded. One more result: the local marginalia felt that the authorities support them and grew bolder.

The neighbours were especially cruel. They didn't even permit to walk their houses and to whip up the herd. They tried even to institute criminal proceeding against Pavel – damages to sowings - but they didn't turn up in the court. Nobody knows why.

The final solution of the «farmer's problem» was approaching ...

II

Those very neighbours brought Pavel Shalensny to prison. In the autumn of 1994 one day the neighbours were celebrating the end of the potato harvesting. They were quite drunk and perhaps Pavel's foal, which had run into their yard, was the last straw.



During the time of «military operations» Pavel tried to protect his foal. The neighbours unleashed an Alsatian and it bit Pavel's leg through. He, in his turn, wounded the dog. The neighbour caught a pitchfork - Shalesny beat off an attack with losses, the pitchfork had pierced his hand. The farmer could have got a lot of complications, but he rushed home and called the police. It came, but just on the following day.

The operative group behaved itself in a very strange way. The cops spent all night sitting at the neighbours' table. Obviously they were in no condition to make a report. They didn't call on the victim, Pavel Shalesny. He had a talk with the investigator on the third day. He charged him with wounding dog and then the neighbour's wife. At the end he proposed him to tell one truth but Pavel couldn't comprehend what he should tell.

The investigation lasted several months and on December 8, 1994, a group, armed with sub-machine-guns arrived to «seize» him. They «took» him in the field and beat him severely. They also seized a woman who worked for Pavel.

In the local department of internal affairs he was convicted of hooliganism. What could he do? He just could reject investigator's accusation and to write a report that the militiamen had beaten him. The farmer was transferred to the Baranavichy prison, where he spent 9 months.

Then there was a trial. Shalesny was found guilty under Art. 201 of the Criminal Code and was sentenced to 3 year-term of imprisonment. He did his time in Minsk, in the «well-known» building in Apansky Street. Not far away from the general Prosecutor's office and the Supreme Court.

It's interesting to point out that the main witnesses at the trial were the neighbours (interested people) and the mentally-ill woman. The people who were present as witnesses wanted to see him in prison.

Shalesny has served 2 years and 2 months and was released in February, 1997 on the amnesty.

The farmer had a rather strong farm: «Kamaz» (lorry), a bus, a «Lada» car, 45 sheep, a cow. When Pavel was serving his time, he was told that his real estate was being plundering. Can you imagine what was left 2 years later. The lorry was kept in the militia - but, if we may say, only the outside form was left. In the village the «peaceful peasants» did

their best. The farm could be given up for lost.

It's clear, that it was not the end, because Pavel Shalesny started to look for justice. He brought an action «Human Rights» and «The Constitutional Human Rights» against the Zelva District Executive Committee and the Grodna Region Executive Committee. Perhaps, by doing it he decided his fate.

Later everything went in the commonly-accepted way. Pavel came back from prison. He had been deprived of the land. But he didn't submit it, no one could submit. In spring the collective farm started to sow the farmer's land. Shalesny was literally standing in the tractor's way with pitchfork. The district authorities called the militia. Pavel Shalesny was faced with another time, that time under Art. 189 «Murder attempt of the militiaman». The criminal case was instituted against him. He managed to hand over a letter with a reliable man from Baranavichy prison. This letter came to me. In particular it was saying: «I appealed to the Grodna Department of Internal Affairs. I asked to find those people who had plundered my farm and influence those who are engaged in it. They politely replied that the Zelva Department of Internal Affairs was responsible for investigation - these are the people whom I had complained of. It goes without saying that they couldn't find themselves.

The fellow-villagers advised Pavel: «You'd better go somewhere. They will put you in prison in any case».

But he decided to look for the truth.

What did he get finally. He was released from the prison. There wasn't a trial. Pavel Shalesny is free again. But there is not much joy in it. He can't realise so far why the fellow-villages were not simply plundering his farm, but were doing it without any sense: they simply destroyed home tools, killed domestic animals. But the state and first the local authorities didn't try to defend the farmer as it should have been and local population, feeling that they could get away with that as well as silent support did their best...

It's still a mystery why he had been sent to prison without any reason. Alexander Gubar, deputy head of the Zelva Department of Internal Affairs, hinted: «He brought a lot of troubles, had worried the whole district and now he claims something».

To my mind, we are left to wonder that Pavel Shalesny is still free and tries to find justice and punish the guilty and he still believes in justice.

Perhaps it will happen later on, under a new regime. The present one puts entrepreneurs and independent people in prison. As it happened to Klimaw, Kudzinaw and others. Pavel Shalesny was among the first. He was not as well famous as Kudzinaw and Klimaw in the country but it doesn't make his case less important.

Syargey SHAUTSOW

About little things which mean a lot,

or the reason of the painter Ales Pushkin's refusalof the President «gift»

A famous Belarusan painter, Ales Pushkin, refused a national gift on the occasion of the 60th anniversary of the union, of which he is a member. A luxurious handbook of the biographies and activities of approximately a thousand of its members was edited on this occasion. Everything looks splendid: painters' portraits, colour reproductions of their works... But this paper of a good quality paints, high-quality mounting were not gladly accepted by Ales Pushkin and other painters who are known for their pat-riotic ideas and Belarusan identity. Pushkin and many other his colleges could see disgrace to Belarus and themselves personally beyond this outside splendour of a festive declaration.

Firstly, when they were gathering information for that issue, every painter could give any work to his or her liking. But instead of his picture «Under Russian boots» Ales Pushkin discovered in the book the picture of the frescoes, by which the Minsk Art Lyceum decorated.

«This change had been made without any consultation with me», - said the painter, considering this fact as an example of censorship and he believes that his copy rights were infringed. Obviously, these changes in the contents of the handbook were made by editors for «political reasons». What «Russian boots» during the «integration» and further unification with Russia?!

Secondly, while composing the handbook, they hadn't discussed with the painters one «little thing» – the portrait of Belarusan president Lukashenka and his congratulations to Belarusan painters on the first page of the book. «It's mockery» – Ales Pushkin believes. The man who close the painter's exhibitions, who destroys everything which is Belarusan, who pursues the national creative elite, speaks about freedom and independence of Belarus.

Two days before the New Year, Ales Pushkin called on Genadz Buralkin, chairman of the Painters Union (PU), to ask some questions in the face of other journalists. As chairman of PU said this issue of the handbook was financed (approximately 4.5 mlrd roubles) by the Ministry Council and by the «Presidential Fund for Cultural Support». The name of this fund speaks for itself (officially it's supported by the president). He, who pays the fiddler calls the tune.

Nevertheless, Mr. Buralkin believes that «we should be thankful to our authorities, because this handbook of the Painter's Union couldn't have come out». By the way, the decision of publishing this book in the changed variant was adopted by the Council of the Painter's Union without taking into consideration the opinions of other painters of the Union...



Genadz Buralkin doesn't find it disgraceful for the Union. In his talk he referred to the example of the Painter's Union in the neighbouring Ukraine, which edited the handbook of the same kind with the congratulations of the Ukrainian president Leanid Kuchma. It's clear that it can't be compared. The activities of the Ukrainian president can be in no way compared with the policy of Belarusan president.

Ales Pushkin presented chairman of the PU with the «justgiven» gift and said that he could keep it as a souvenir. From my side, I can foresee that some of his colleagues would find him ungrateful, his name couldn't have been found in the issue at all, but it did appear, perhaps to demonstrate a national democracy. Ales Pushkin is famous for his political actions of previous years as well as for being given a suspended sentence for political movies (1989). The authorities closed the gallery «At Pushkin's». In Vitsebsk after many young poets and painters had been arrested for participation in the first congress of Belarusan patriots in 1995.

A. Pushkin is known also for painting icons, Roman Catholic and Orthodox churches in Belarusan towns and villages. The painter affirms that politics – is not the field of his activities, but the authorities themselves made the painters react to the unbearable conditions of disgrace and persecution, created in the country. It's a pity, but a part of the elite bears this «slap in the face» and «insult of the dignity» silently. An anniversary handbook of the Painter's Union will go down in history as an evidence of it.

Tatsyana ZHDANOVICH

Events, facts, comments

(Continued from p.1)

On December 31, 1998 at night Aleg Byabenin, press-secretary of public initiative «Charter-97», was detained by the militia in Kastrychnitskaya Square in Minsk where there were new year celebrations. The reason for detention was a bright-orange flag with a symbol «smile», which is widely used in Internet. A. Byabenin was walking with this flag together with his friends, who are directly connected with Internet. But the militiamen decided that the symbol on the flag is far from being festive. Mr. Girel, lieutenant-colonel, who demanded to put the flag down, explained the situation in such a way. A. Byabenin refused to do it. then the militiamen started to take away the flag by force, and moreover they sprayed him with a gaz. A. Byabenin was taken in a special car to a militia strong point where he had been kept for 40 minutes.

On January 5, the Belarusan Helsinki Committee awarded the schoolchildren who had won the contest «I have a right». 24 pupils were presented with costly presents and documents of honour. This festive occasion was held at Yanka Kupala Museum.

On January 6, the Smargon District Executive Committee prohibited the activists of the Belarusan Popular Front to stage a picket aimed at expressing protest against President Lukashenka's treacherous acts concerning Belarus. The picket was to be held on January 17.

On January 10, the 13th Supreme Soviet announced the date of the presidential elections, which are due to be on May 16, 1999. 44 deputies voted for this decision. The sitting took place in the Minsk hotel «Tourist». The Prosecutor's office has issued a statement which says that their activities on the organisation of early presidential elections is at variance with



Of December 1998, Minsk...

As it was...

(Continued from p.3)

There we are met by our relatives, friends and representatives of human rights organisations «Viasna-96» and «Charter-97». We spent some time in the department while they are looking for a car to take us to prison. Only 4 people are left, by the way. One of us was lucky and his judge was more humane who fined him for 5 mln roubles (the average pay in Belarus).

At last we find ourselves again in the special department of the police. They check all necessary documents very politely without any haste. Later the representatives of «Charter-97» gave us a sac with provision to everybody.

Before being distributed into cells we found ourselves again together. The most experienced of us Zmitser Bandarenka – chairman of the Fund for Support of Independent Press – give advice how to behave in the situations like that. The bread smells tastily in our packets and I hear: «Granny, would you give something to eat. We haven't eaten for 3 days ...» I give a loaf of bread, smoked meat, apples, a packet of cigarettes to the nearest of my temporal «colleagues». I hear «Thank you» in reply. Bandarenka is taken first. Me – the last. They lead us somewhere upstairs. There they take my fingerprints and palmprint. The hands are black because of the paint. I ask where I can wash them. I'm answered that it's possible to do it in the cell, there should be soda and soap (there was neither the first nor the second, we had to rub the hands with newspapers).

I was led to cell № 11. I greet them: «Long live Belarus!» «A Political one? – they ask. – From the BPF, aren't you?» ?Yes, - I answer.» Then take Shchukin's place – the second from the window... »

There are 16 people in the cell. There is a dense blue smoke in the air because of cigarettes, in addition to it a smell of sugar and a powder, which makes the prisoners crazy. In the cell you can feel a permanent smell of dung and Russian foul language. I'm for the first time in such a place and that's why follow Bandarenka's advice: to address politely to everybody, not to ask questions to anybody, to answer only in case of necessity. There are mostly people who is sentenced to 15 days in administrative detention or more. All of them are pale, many of them are itching. No walks, no bathhouse, no soap. They say, that prisoners are fed in a day. Nobody says why they are sentenced to imprisonment. I only guess by their talks, mainly they are drunkards or speculators in foreign currency. A student from Ethiopia stood out of the crowd (he wasn't from those students, who were with us on the first day) they were former students, who didn't want to come back home). He was sentenced to 15 days of detention for the attempt of currency exchange. He has managed to learn «a certain part» of Russian vocabulary and he was in the centre of public attention in the cell. Nobody could help laughing listening to him.

The next day in the morning I was called to the door. «Is Karyzna here?» There is a parcel for you». I read - from the human rights centre «Vyasna-96». The prisoners got interested: what kind of organisation it is. I explain what I know. In the cell there are some people who declare that their rights are violated and

the Constitution of the Republic of Belarus and legislation currently in force.

On January 11, at Soviet Court in Minsk there was a trial on administrative case of Valery Shchukin – journalist, a deputy of the 13th Supreme Soviet. V.Shchukin was charged with participation in the action, which took place on December 25 and was aimed against Belarusan-Russian integration. The detention report, which was at the trial, it was said that when the militiamen proposed to leave the rood, «V. Shchukin categorically refused and started to cry: «Long live Belarus!» The barrister insisted that the action on December 25 wasn't a picket and Shchukin in his turn claimed that it was his personal but not public protest. At the trial Shchukin made a speech in which he accused the militiamen of breaking 8 criminal and 6 administrative articles during his detention. In spite of this, judge A. Gancharyk found him guilty and sentenced him to 10 days in administrative detention.

The information department of the Human Rights Centre «Viasna-96»

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they should be allowed to be given parcels. They serve «dinner»: millet porridge and a cup of tea. It's all for the whole day. I share my parcel with cellmates: it's my last day, tomorrow I'll be at liberty. At night I put on a cap in order not to hear anything and fell asleep.

Morning. On this day 2 more people apart from me are relished. The first one disappeared imperceptibly, said good-bye to nobody. The second comes up to everybody and shakes hands. He told me: «Long live Belarus!» They are released in the morning, I have to wait till evening. They come for me at 18.00 sharp. I say good-bye, congratulate with the coming New Year. I go in the yard and all of a sudden I heard a clear cry: «Long live Belarus!» I turned and see my cellmates who were looking out of the bars. I turned to them, rose my right hand with 2 fingers in the form of letter «V» and answered: «Long live forever!..»

A LETTER TO AN EDITOR

DEPRIVED OF THE RIGHT TO BE DEFENDED

To the attention of the editor of the bulletin «The Right to Freedom» Ales Byalatsky.

Dear Ales!

Unfortunately, I'm not a permanent reader of your bulletin. Moreover, I got №19, October, 1998, by chance. But I'm very glad that your issue does exist.

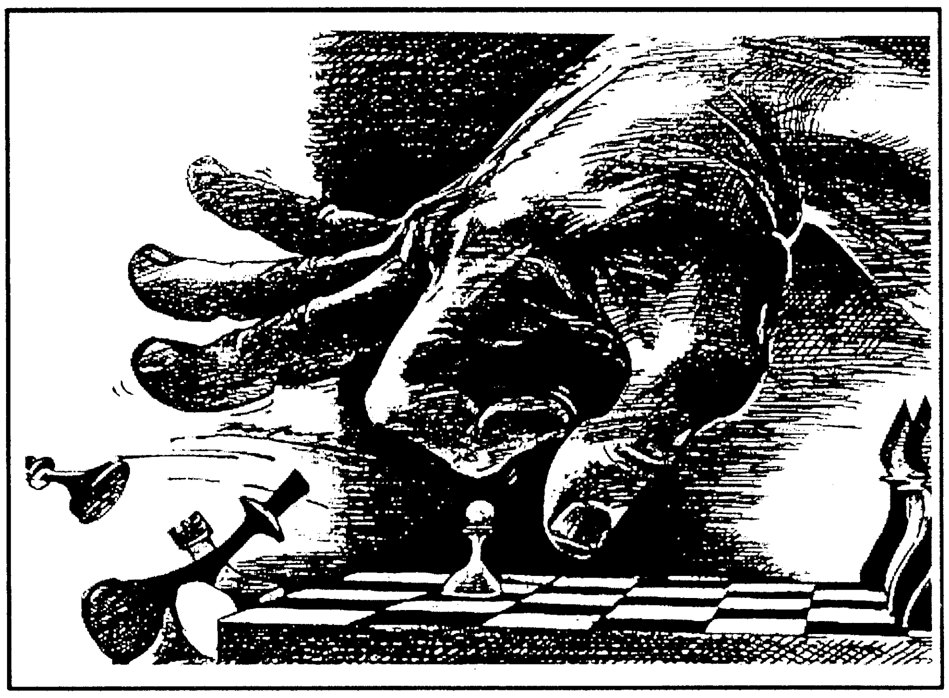
I've read the article «A trip behind bars» by Andrey Melnikaw and some of its lines made me write to you. To all appearances, they relate to me. Perhaps Andrey Melnikaw, against whom the proceedings were instituted applied for being defended by the counsel for defence his choice. There was my name among many others. The information, I've read, unfortunately, didn't throw any light on the people who gave Melnikaw false information about my professional competence. But it's not so important. Obviously, the rights of the arrested as well as the right to be defended were violated.

Beginning from July 1, 1997, it's the day when the decree on «some measures to clarify lawyer and notary's activities in the Republic of Belarus» came into force, the constitutional rights of the people who are prosecuted by authorities as well as lawyer had been violated. The Private Bar who composed the elite of the lawyers, highly professional, independent and fearless was liquidated. The barristers, who proved to be good citizens, who were men of principle while protecting human rights and freedoms were refused to be admitted to the board of lawyers. I was among them. I wasn't forgiven for criticising the ministry of Justice, for criticising the routine, lifelessness and cowardice of the board of lawyers but the main reason was – articles in the newspapers «Chastnyi advocat», «Svobodnye novosty», «Argumenty and Facty», «Naviny», in which I expressed my points of view on the changes and protested against mass violation of human rights in Belarus.

At the current moment the situation is the following. As well as many other lawyers I have earlier issued licenses to conduct barrister's activities. These hadn't been nullified and their time has not ended. Under Article 7 on the Law of the republic of Belarus «On the Bar», we have preserved the states of barristers it doesn't matter before the adoption of the decree or after the changes to the law on the bar had been introduced. But in spite of Article 62 of the Constitution of the republic of Belarus and a number of articles on the Bar, the rights of citizens to judicial assistance and the rights of barristers to give assistance are violated everywhere throughout the country. I was refused to be admitted to the Board of serious offences. There are people who had been serving their times in prison, besides their punishments hadn't been disaffirmed. The law on the Bar directly prohibits it but in defiance of it they have seats in the Board of the Barristers. These facts prove how in reality the authorities struggle with criminals and who, from their point of view, is more dangerous.

In spite of the fact a year and a half passed since I had no possibility of conducting barrister's activities, people defended by me. Every time they are illegally refused, like it happened to Mr. Melnikaw. I had been out of jobs for year and a half and my family, together with 2 little kids (7 and 6 years old) had nothing to live on.

I have had a status of barrister since 1973. My practical experience is



barristers as there wasn't any vacancies. My complaints were left unanswered and provoked a wave of madness with respect to me as well as to many other colleagues. Some of them were deprived of licences under fabricated reasons. They couldn't deprive me of a licence but they don't allow me to work. There is no way to defend our rights. It's typical of the current situation in our country. The vivid mocking at us is the fact in the board of Barristers there are people who had been instituted criminal proceedings for more than 25 years. Defending my human dignity, I have an intention to strive for the independent Bar being restored, for a right to work at it, for the Constitution of 1994 being restored as well as all legitimate organisation in our country. It's possible to do it throughout the country in case everybody feels his public responsibility for the fate of his children, for the fate of our Motherland.

Long live Belarus!

Faithfully yours,
Uladzimir SALAUYOW
Orsha

A Trip behind Bars

By Andrey Melnikau

The investigator, Dzmitry Dzmitryevich Turach «received» me on the first floor of Grodna Region KGB Department. The interrogation was to be held at the presence of a barrister and an interpreter - as Turach as he says, doesn't speak Belarusan. He had to wait for the interpreter for a while, and the barristers, whom I had mentioned, were not authorised to defend me. I give new names and approximate addresses of new barristers - my acquaintances from Minsk and Baranavichy. The investigator, while we are waiting, tries to connect them.

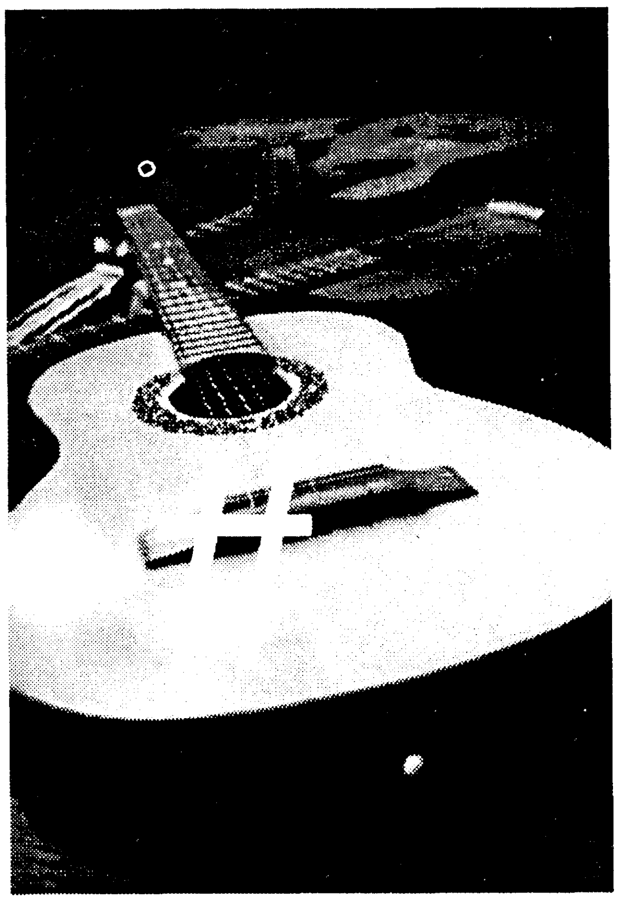
All of a sudden the interpreter, a woman of about 30, turns up. Having heard about my problems with barristers, she recommends to hire a barrister from Grodna: he will know the local state of things and will be cheaper. I remember of my relative, who has been living in Grodna for 30 years and agree to her proposal: it will be easier for him to find a barrister. Turach immediately telephones my relative and even allows me to talk to him for several minutes. Then I come to an agreement with the interpreter, whom she can speak of me. The Belarusan world is small even in a 300000 Grodna. Of course, my interpreter knows Shalkevich, Danuta Bichel, Chobat... As nothing threatens to my right to give evidence in Belarusian, I decide to give up the struggle. I speak Russian quite well.

My relative enters the investigator's study and he seems to be more worried about me than myself. He can't tell the name of a barrister but promises to find him till Monday. So, all the organising problems of my prison and interrogation conditions have been solved and I return «home» in high spirits and with a strong belief that in a few days I will be released...

Saturday and Sunday in prison - are «quiet days». No interrogations, no parcels. The morning check-ups are carried out briefly it happens that they sometimes don't take out of the «hone». But there is something new for me on these days - they take us out for a walk (a walk in the prison yard).

All those of one «house» may go for a walk all together or may split into several groups: those who go for a walk and those who prefer to stay inside. But the minimum quantity is no less than two people: you are alone in prison only when you are in a «glass» or «kich».

There are 17 yards in the Grodna prison. They occupy different space, beginning from 14 to 44 metres. The number of a yard and its space are marked on a special beard, hanging on a steel doors. The yard itself is a piece of land, the floor is concreted and the upper part is behind bars. Its walls are 4 metres high. «Old inhabitants» of the prison say that earlier the walls were of bricks and nowadays they are thickly covered with concrete, which became like stone. The prisoners have advantages of it: they make different holes in it, where it's possible to hide a cigarette, matches, messages for those who will go for a walk a little bit later. Of course all these precious things may be found by cops while checking or cleaning the yard, but all the prison's mail, no matter how it is sent is under such a threat. Messages are often left in the yard for those addresses with whom it seems impossible to contact: for example, in the other part of the building or in another one. «The cell» who has such a way, is to take «the massage» and send it. They leave messages even if they don't know where the addressee is. For this purpose they use a wooden door. The messages like: «Miron, how many years do you have to do?» or «Arnold,99» (it means, Arnold is in cell № 99) are written there.



At my first weekend in prison I washed all my clothes and even mended it. «There were quite a lot of washing ponder and soap in the cell and two boilers provided me with not water rather quickly. There was only one disadvantage: I feared lest the needle was confiscated and that's why I had to hide while sowing.

I hadn't my personal «lamp». But it wasn't very uncomfortable. For the night the cell used to take wooden shelves-newspaper tied it up by one or two towels. I used to take a book upstairs and read up to 11 o'clock. Then I meditated for some seconds, and went to bed. The banker used to watch TV.

6 hours and a half of a good sleep was sufficient for me. On Saturday and on Sunday I got up before the rising time. A hairy lieutenant - colonel got dissatisfied and nervous at it. It turned out that I had broken the prison's «concepts» and interfered with the sweetest morning sleep of the others. I kept it in mind and started to get up together with the others. But a month later I got to know that under the «concepts» a prisoner may get up at any time and it's not fair to give such a warning. All are equal in prison. But to some people it seems to be a hard task, to those who got accustomed to high posts and high shoulder-straps, to those who were climbing up the career ladder and were consumed with perseverance, to those who were licking other's boots and now - you are like any other else...

Shelves-»newspaper», justifies its second name. Like a wooden door in the prison's yards, it is covered all over with different information. There are poems, sometimes even good ones and pieces of prose. There is a lot of rubbish in it, but its great size makes it particularly capacious. Moreover, at the beginning shelves used to be different practically every evening and it's interesting to read it. later when you got the same shelves for the third or forth time, you loose interest. But in general «shelves» like nothing else keep record and illustrate prison's folklore, prison's mythology. By the way on paper, which can be easily destroyed but on the wood of high quality.

It should be mentioned that there are plenty of ordinary newspapers in the cell. They are brought daily, apart from the weekend. One at a time. It may be «Sovietskaya Byelorussia» or «Republic», «Narodnaya Gazeta» or «Znamya Yunosty», Stock-exchanges and Banks» or «Grodnenskaya Pravda». But they bring it not for all. Newspapers can be used to make «routes». And the cells which were found engaged in it, haven't got newspaper for months. We are lucky: our cell is in siding and we've got a lot of newspapers.

(to be continued)

(Continuation. Beginning in №№ 15-24)

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